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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEFFREY R. FARR and BEN STRULO

Appeal 2010-002889
Application 10/591,349
Technology Center 2100

Before JOSEPH F. RUGGERIO, BRADLEY W. BAUMEISTER, and
THOMAS L. GIANNETTI, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-16 and 18-34, which are all of the claims remaining in this application.

We reverse.

SUMMARY

Claims 1, 2, 4-16, 18, 19, and 21-34 stand rejected under 35 U.S.C. § 103(a) over Minaxi Gupta et al., *A Reputation System for Peer-to-Peer Networks*, PROC. 13TH INT'L WORKSHOP ON NETWORK & OPERATING SYS. SUPPORT FOR DIGITAL AUDIO & VIDEO 144 (2003) [hereinafter Gupta A], in combination with Minaxi Gupta et al., *A Frequent-Sharer Program for Peer-to-Peer Systems*, GA. TECH TECHNICAL REP. No. GIT-CC-03-01 (2003) [hereinafter Gupta B], and Daly (US Patent 5,748,896; May 5, 1998).

Claims 3 and 20 stand rejected over this same combination of references further in combination with Nye (US Published Application 2002/0156917 A1; Oct. 24, 2002).

BACKGROUND

Appellants' invention relates to the management of networks, especially peer-to-peer (P2P) networks. Appellants claim a system and method for providing data (content items) to network users on a restricted basis. (Spec. 1:4-6). For each user the system maintains content access data which determines the amount of access each user has to available content. To provide incentives for P2P network users to contribute data to the network, a user's assigned content access data is changed whenever a

contribution is made. The degree of change is dependent on a peer review value assigned to the content. (Spec. 2:30 – 3:5).

Each content item or set of data defining access to a content item has a property value. (Spec. 3:34 – 4:5). Examples of such property values are times and dates, geographical information, quality values based on user reviews, and reputation values based on the reputation of the content provider. (Spec. 4:6-26). The extent of a user's access to content items is dependent upon the user's assigned content access data, which in turn depends upon the contributions made by the user and the property value of the content item sought. (Spec. 3:20 – 4:5).

Exemplary claim 1 reads as follows:

1. A content item provisioning method, comprising the steps:

storing content items for provision to users;

maintaining, for at least one user, respective content access data usable to determine which stored content items may be provided to the user;

receiving content items from a particular user for provision to the users;

changing the respective content access data for said particular user from which content items are received; and

providing a sub-set of the stored content items to said particular user, members of the sub-set being determined in dependence on the respective content access data of said particular user,

wherein each stored content item has a property value, and the content access data comprises a content access value relating to the property value, wherein the sub-set of the content items is determined in dependence on the respective property values.

Gupta References

The Gupta references are directed to P2P systems. Gupta A describes a reputation system in which network users (peers) are assigned reputation scores. Peers can improve their scores by contributing content to the network. (Gupta A pp. 144-45). Gupta B describes a program similar to an airline frequent flier program, whereby peers are awarded points for making contributions to the network. Their reward for accumulating points is a higher level of service (LoS) when performing searches of the network or requesting content. (Gupta B p. 1, col. 2). For example, the number of “hops” permitted in responding to a query seeking content and the type of scheduling and transfer rate used by the peer delivering content can all be affected by the number of points earned by the requester. (Gupta B p. 4, col. 1).

CONTENTIONS AND ANALYSIS

Appellants contend that neither Gupta A or B, nor any of the other references cited by the Examiner, teaches (1) restricting access to particular data items so as to make a sub-set of such items available only to more-favored users, and (2) using content access to vary the availability of data to be provided to the user with whom the content access data is associated. (App. Br. 13). Appellants further contend that their claim language requires that whether a given stored data item is to form part of the sub-set of items made available to a particular user depends upon the property value associated with the data item as well as the content access value associated with the user. (*Id.*).

We agree with Appellants that the claims on appeal require that certain data items have their accessibility restricted to certain users based upon the combination of content access data and property values. We further agree that the references relied upon by the Examiner are deficient in meeting these requirements. (App. Br. 14-16). Gupta A comes closest, for it refers to a reputation-based P2P network in which reliable peer reputations can be used to control access to content:

Reliable peer reputations could be used in a variety of ways. They can help well-reputed peers find other peers with good reputations and hence help them in making decisions about who to serve content to and who to request content from.

(Gupta A p. 144, col. 2). However, Gupta A does not describe how this limitation on access might be achieved. Gupta B does not discuss controlling access to *content* at all, focusing instead on improved *service* as a reward for accumulating points. (See App. Br. 16-17).

The Examiner acknowledges these omissions in his Answer, commenting on the above-quoted passage as follows:

Gupta [A] also only implies, but does not specifically disclose [“]each stored content item having a property value” and “a content access value relating to the property value, wherein the sub-set of the content items is determined in dependence on the respective property values” within the above disclosed determination.

(Ans. 5).

We disagree with the Examiner’s conclusions concerning the extent of these references’ teachings. While there is some recognition in Gupta A that reputation scores can be used to control access to content, there is, as the Examiner acknowledges, no disclosure of a specific dependence between the reputation scores and providing content as the claims require. (Ans. 16).

Appeal 2010-002889
Application 10/591,349

Furthermore, neither Gupta reference discloses stored content items having property values. (*Id.*).

The Final Rejection further relies on Daly as disclosing the use of access privileges in a computer network. (*See* Final Action 13; Ans. 14-15). Even if there were sufficient rationale in the record for making this combination, we would still agree with Appellants that Daly does not cure the deficiencies of the Gupta references, including the lack of any teaching of the use of a particular user's content access data and the property value of a particular data item to determine whether content is to be delivered. (App. Br. 17).

We, therefore, do not sustain the obviousness rejection of independent claim 1. We likewise do not sustain the rejection of independent claims 16, 18, 33, and 34, which all set forth similar requirements, or of claims 2, 4-15, 19, and 21-32, which depend from these independent claims.

Regarding the additional rejection of claims 3 and 20, the Examiner cites Nye for the limited teaching of providing geographic data in a P2P network. (Final Action 15-16). The Examiner does not rely upon Nye for any teachings that would compensate for the deficiencies of the combined teachings of Gupta A, Gupta B, and Daly. Accordingly, we likewise do not sustain the obviousness rejection of claims 3 and 20.

DECISION

The Examiner's rejection of claims 1-16 and 18-34 is reversed.

REVERSED

Appeal 2010-002889
Application 10/591,349

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